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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/725,193	12/01/2003	Mariano Concilio	03MAR43053800	9837
27975 7590 12/28/2007 ALLEN, DYER, DOPPELT, MILBRATH & GILCHRIST P.A. 1401 CITRUS CENTER 255 SOUTH ORANGE AVENUE P.O. BOX 3791 ORLANDO, FL 32802-3791				
EXAMINER ALMATRAHL, FARIS S				
ART UNIT 3627		PAPER NUMBER		
NOTIFICATION DATE 12/28/2007		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

creganoa@addmg.com

Office Action Summary

Application No.

10/725,193

Applicant(s)

CONCILIO ET AL.

Examiner

FARIS ALMATRAHI

Art Unit

3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 16-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 16-41 and 43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 42 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)
- Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Status of the Application

1. **Claims 1-15** are cancelled in this application.
2. **Claims 16-41 and 43** are pending in this application.
3. **Claim 42** is withdrawn in this application due to election of species.
4. If applicant is aware of any prior art or any co-pending application not already on record, the applicant is reminded of his/her duty under 37 C.F.R. §1.56 to disclose the same.

Election/Restrictions

1. This application contains claims directed to the following patentably distinct species:
 - **Species A:** drawn to an electronic device configured as a mobile telephone.
 - **Species B:** drawn to an electronic device configured as a point of sale terminal.
5. During a telephone conversation with Michael Taylor on 12/12/2007 a provisional election was made without traverse to prosecute the invention of **Species B**, claim 43. Affirmation of this election must be made by applicant in replying to this Office action.

Claim 42 withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

6. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

7. Upon the allowance of a generic claim, Applicant will be entitled to consideration of claims to additional species which depend from or otherwise require all the limitations of an allowable generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species.

MPEP § 809.02(a).

Claim Rejections - 35 USC § 112

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. **Claims 16-40** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

10. **Claims 16-40** recite the limitation "fundamental module", "central module" and "complementary module". The phrase "fundamental", "central" and "complementary" is

viewed to be vague and indefinite in distinguishing between the modules. Any module that performs the tasks of the "fundamental module", "central module" and "complementary module" can be labeled as such. Therefore no weight is given to the phrase "fundamental", "central", and "complementary".

11. **Claim 16** recites the limitation "generating a new set of events by the framework after execution of the central module" and **Claim 17** recite "wherein the framework generates a new set of events after completing execution of the central module". The phrase "new set of events" is viewed to be vague and indefinite. It is unclear as to what "event" the applicant is referring to. Any interaction or output of the module or component of the system can be viewed as an event. The phrase "execution of the central module" is also viewed to be vague and indefinite. It is unclear if the limitation is implying that the central module is executed by the framework or if an application within the central module is executed.

12. **Claim 24** recites the limitation "generating a new event by the fundamental module after execution of the central module" and **Claim 25** recite "wherein the fundamental module generates a new event after completing execution of the central module". The phrase "new event" is viewed to be vague and indefinite. It is unclear as to what "event" the applicant is referring to. Any interaction or output of the module or component of the system can be viewed as an event. The phrase "execution of the central module" is also viewed to be vague and indefinite. It is unclear if the limitation is implying that the central module is executed by the fundamental module or if an application within the central module is executed.

13. **Claim 32** recites the limitation "generating a new event after execution of the central module" and **Claim 33** recite "wherein said framework generates a new event after completing execution of the central module". The phrase "new event" is viewed to be vague and indefinite. It is unclear as to what "event" the applicant is referring to. Any interaction or output of the module or component of the system can be viewed as an event. The phrase "execution of the central module" is also viewed to be vague and indefinite. It is unclear if the limitation is implying that the central module is executed by the framework or if an application within the central module is executed.
14. Similar comments apply to **Claims 18-19, 26-27 and 34-35**, in regards to the phrase "new set of events" and "new event". Also **Claims 18, 26 and 34** recite "after completing any remaining framework even-related task". The phrase "any" is viewed as open-ended and reads on any task including the task of initiating the generation of a new set of events as claimed. Therefore the limitation "after completing any remaining framework event-related task" has no weight in the claim as phrased. **Claim 26** recites the limitation "framework". There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

15. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

- (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

16. **Claims 16-39 and 43**, as best understood, are rejected under 35 U.S.C. 102(a) as being anticipated by Applicant's Admitted Prior Art (APA), (see instant application PG Publication 2005/0119940 A1, Figures 1-3, paragraphs [0001] – [0019]).

17. Regarding claims 16, 24 and 32, APA discloses a system and method for executing an event-driven application resident in a smart-card comprising a fundamental module, the application being separating into a central module and at least one complementary module, the method comprising: managing interaction between the central module and the at least one complementary module by the fundamental module (Figures 1-3); and generating a new event by the fundamental module after execution of the central module (Figures 1-3, Paragraph [0011]).

18. Regarding claims 17, 25, and 33, APA discloses a system and method wherein the fundamental module generates a new event after completing execution of the central module (Figures 1-3, Paragraph [0011]).

19. Regarding claims 18, 26, and 34, APA discloses a system and method wherein the fundamental module generates a new event after completing any remaining framework event-related task (Figures 1-3, Paragraph [0011]).

20. Regarding claims 19, 27, and 35, APA discloses a system and method wherein each complementary module is registered and triggered to an appropriate new event (Figures 1-3, Paragraphs [0006] – [0008], Paragraph [0012]).

21. Regarding claims 20, 28, and 36, APA discloses a system and method wherein an interface defined by the fundamental module is provided to the central module and to the at least one complementary module (Figures 1-3, Paragraphs [0007] – [0009]).
22. Regarding claims 21, 29, and 37, APA discloses a system and method wherein input data delivered to the central module is also delivered to the at least one complementary module (Paragraph [0011]).
23. Regarding claims 22, 30, and 38, APA discloses a system and method wherein the fundamental module is associated with an operating system of the smart-card (Figures 1-3).
24. Regarding claims 23, 31, and 39, APA discloses a system and method wherein the fundamental module functions as a terminal interface protocol manager (Paragraph [0004]).
25. Regarding claim 43, APA discloses a system wherein the electronic device is configured as a point of sale terminal (Figure 1).
26. **Claims 16-18, 20-26, 28-34, 36-41 and 43**, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Valencia et al (US Pat No. 5,380,991).
27. Regarding claims 16, 24 and 32, Valencia discloses a system and method for executing an event-driven application resident in a smart-card comprising a fundamental module, the application being separating into a central module and at least one complementary module, the method comprising: managing interaction between the central module and the at least one complementary module by the fundamental module

(Abstract, Figure 2); and generating a new event by the fundamental module after execution of the central module (Figure 2, Column 2 lines 59-62, Column 4 lines 4-26).

28. Regarding claims 17, 25, and 33, Valencia discloses a system and method wherein the fundamental module generates a new event after completing execution of the central module (Figure 2, Column 4 lines 4-26).

29. Regarding claims 18, 26, and 34, Valencia discloses a system and method wherein the fundamental module generates a new event after completing any remaining framework event-related task (Figures 1-3, Paragraph [0011]).

30. Regarding claims 20, 28, and 36, Valencia discloses a system and method wherein an interface defined by the fundamental module is provided to the central module and to the at least one complementary module (Figure 2).

31. Regarding claims 21, 29, and 37, Valencia discloses a system and method wherein input data delivered to the central module is also delivered to the at least one complementary module (Figure 2, Column 4 lines 4-26).

32. Regarding claims 22, 30, and 38, Valencia discloses a system and method wherein the fundamental module is associated with an operating system of the smart-card (Figure 2, Column 4 lines 4-26).

33. Regarding claims 23, 31, and 39, Valencia discloses a system and method wherein the fundamental module functions as a terminal interface protocol manager (Figure 2, Column 4 lines 4-26).

34. Regarding claim 40, Valencia discloses a system wherein said smart card comprises first and second memories and wherein the central module resides in said

first memory and the at least one complementary module resides in said second memory (Figure 2, Column 4 lines 4-26).

35. Regarding claim 41, Valencia discloses a system wherein said first memory comprises a read only memory and said second memory comprises a programmable memory (Figure 2, Column 4 lines 16-36).

36. Regarding claim 43, Valencia discloses a system wherein the electronic device is configured as a point of sale terminal (Abstract, Figure 4, Column 4 lines 4-26).

Claim Rejections - 35 USC § 103

37. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

38. **Claims 19, 27, and 35**, as best understood, are rejected under 35 U.S.C 103(a) as being unpatentable over Valencia et al (US Pat No. 5,380,991) in view of Applicant's Admitted Prior Art (APA), (see application 10/725193, Figures 1-3, paragraphs [0001] – [0019]).

39. Regarding claims 19, 27, and 35, Valencia fails to explicitly disclose a system and method wherein each complementary module is registered and triggered to an appropriate new event.

40. However, APA discloses a system and method wherein each complementary module is registered and triggered to an appropriate new event (Figures 1-3, Paragraph [0011]).

41. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the teachings of APA in the device of Valencia reference to include a system and method wherein each complementary module is registered and triggered to an appropriate new event, for the advantage of distributing and tasking particular tasks to designated modules.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Faris Almatrahi whose telephone number is (571) 270-3326. The examiner can normally be reached on Monday to Friday 9:00 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ryan Zeender can be reached on (571) 272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3627

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Faris Almatrahi
Examiner
Art Unit 3627

FA

/Michael Cuff/
Primary Examiner, Art Unit 3627